

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

INZER ADVANCE DESIGNS, INC.

*Plaintiff,*

vs.

POWERBELLY GEAR, LLC

*Defendant.*

Civil Action No. 6:16-cv-235

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT**

Plaintiff, Inzer Advance Designs, Inc. (“Inzer”), files this Original Complaint for patent infringement against Defendant, PowerBelly Gear, LLC (“PowerBelly”), for infringement of U.S. Patent No. 9,011,305 (“the ‘305 Patent” or “Patent-in-Suit”) pursuant to 35 U.S.C. §271. A copy of the Patent-in-Suit is attached as **Exhibit A**.

**PARTIES**

1. Inzer is a Texas corporation having a business address within this Judicial District.
2. On information and belief, PowerBelly is a limited liability company organized under the laws of the Commonwealth of Pennsylvania having a registered address as 420 Davis School Road, Washington, PA 15301.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 United States Code. The jurisdiction of this Court is proper under Title 35 U.S.C. § 271, *et seq.* and Title 28 U.S.C. §§ 1331, 1332, and 1338.

4. PowerBelly is a seller of wrist wraps, knee wraps, knee sleeves, weightlifting belts and t-shirts.

5. This Court has personal jurisdiction over PowerBelly. PowerBelly has offered for sale and sold apparatus that infringe the Patent-in-Suit, such as Gorilla Grips branded knee wraps, to residents and citizens of Texas who reside within this district.

6. The Court has personal jurisdiction over PowerBelly because PowerBelly has advertised in Texas, including the Eastern District of Texas, the sale of the infringing Gorilla Grips via the internet, including via a virtual storefront [www.PowerBellyGear.com](http://www.PowerBellyGear.com), and PowerBelly, has offered for sale and sold the infringing Gorilla Grips products to customers in the state of Texas, including the Eastern District of Texas, thereby harming Inzer by offering to sell and/or selling infringing products in this district.

7. Venue is proper in this district pursuant to Title 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because PowerBelly has committed acts of infringement in this judicial district, including having shipped the infringing Gorilla Grips products to an address of Inzer located within this Judicial District.

## **GENERAL ALLEGATIONS**

### **POWERLIFTING**

8. The facts of this suit will make regular mention of the sport of competitive powerlifting. Competitive powerlifting is distinct from weightlifting. In the sport of weightlifting competitors attempt two types of lifts: the Snatch and the Clean-and-Jerk, where the weight is lifted above the head. In powerlifting competitors attempt three lifts: the Squat, Bench Press and Deadlift. Powerlifting competitors are categorized by sex, age and bodyweight. Each competitor is allowed three attempts at each lift, with the best lift in each discipline being

added to the competitor's total. The competitor with the highest total is the winner. In cases where two or more competitors achieve the same total the person with the lightest bodyweight wins.

9. In powerlifting each competitor may choose to use a selection of different apparatus that help support the competitor's body during a lift. Common types of supportive gear include specialized clothing for the athlete's torso, and wraps and sleeves worn on the competitor's wrists, elbows and/or knees. This suit generally involves wraps, lengths of material that are typical wound tightly around a competitor's wrist or knee.

**COUNT I**  
**Infringement of U.S. Patent No. 9,011,305**

10. Inzer restates and incorporates by reference paragraphs 1 through 9 as if fully stated herein.

11. On April 21, 2015, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '305 Patent entitled "Gripper Wrappers."

12. Inzer is the owner, by assignment, of the entire right, title and interest in and to the '305 patent, including the right to sue and recover past, present, and future damages for infringement.

13. The '305 Patent is valid and enforceable.

14. Inzer offers to sell and sells products that practice the '305 patent, including "Gripper Knee Wraps™". In correspondence to PowerBelly dated November 12, 2015, PowerBelly was given notice that the Gorilla Grips knee wraps infringed at least one claim of the '305 Patent and PowerBelly has continued to infringe despite that notice.

15. PowerBelly has been infringing the '305 Patent by making, using, importing, offering for sale, and/or selling wraps covered by at least claim 1 of the '305 Patent.

16. Inzer has obtained Gorilla Grips knee wraps (the “Infringing Apparatus”) purchased from PowerBelly. Images that are fair and accurate representations of the Infringing Apparatus are appended as **Exhibit B**. The Infringing Apparatus infringes at least claim 1 of the ‘305 Patent pursuant to Title 35, U.S.C. § 271(a), *et seq.*

17. PowerBelly’s offers for sale and sales of the Infringing Apparatus were without permission, authority, or license from Inzer. Further acts of infringement, unless enjoined by this Court, will continue to damage Inzer and cause irreparable harm to Inzer.

### **PRAYER FOR RELIEF**

WHEREFORE, Inzer respectfully requests the following relief:

- a. That the Court enter a judgment that PowerBelly has infringed the ‘305 Patent;
- b. That the Court enter a judgment that the ‘305 Patent is not invalid;
- c. That the Court enter a judgment that the ‘305 Patent is enforceable;
- d. That the Court enter a permanent injunction preventing PowerBelly and its respective officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from engaging in infringing activities with respect to the ‘305 patent;
- e. That the Court award damages for the infringement to which Inzer is entitled;
- f. That the Court award interest on the damages; and
- g. For any and all such other relief as this Court may deem appropriate.

Date: March 28, 2016

Respectfully submitted,

By: /s/ Mark D. Schneider

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service, on March 28, 2016.

/s/ Bobby Lamb

Bobby Lamb